

110TH CONGRESS
2D SESSION

H. R. 5645

To exclude assistance payments under certain post-foster care guardianship assistance programs from consideration as income for purposes of the United States Housing Act of 1937.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2008

Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Ms. ROYBAL-ALLARD, Mr. STARK, Mr. HONDA, Ms. LINDA T. SÁNCHEZ of California, Mr. COSTA, Ms. ZOE LOFGREN of California, Mr. SIRES, Mr. AL GREEN of Texas, Mr. McDERMOTT, and Ms. CLARKE) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To exclude assistance payments under certain post-foster care guardianship assistance programs from consideration as income for purposes of the United States Housing Act of 1937.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Housing Protection
5 and Foster Care Prevention Act of 2008”.

1 **SEC. 2. TREATMENT OF PAYMENTS FROM QUALIFIED POST-**
2 **FOSTER CARE GUARDIANSHIP ASSISTANCE**
3 **PROGRAMS.**

4 (a) **EXCLUSION FROM INCOME.**—Paragraph (4) of
5 section 3(b) of the United States Housing Act of 1937
6 (42 U.S.C. 1437a(b)(4)) is amended by inserting after
7 “not actually received by the family” the following: “, any
8 payments received from a qualified post-foster care guard-
9 ianship assistance program (as such term is defined in
10 paragraph (14)),”.

11 (b) **QUALIFIED POST-FOSTER CARE GUARDIANSHIP**
12 **PROGRAM.**—Section 3(b) of the United States Housing
13 Act of 1937 (42 U.S.C. 1437a(b)) is amended by adding
14 at the end the following new paragraph:

15 “(14) **QUALIFIED POST-FOSTER CARE GUARDIAN-**
16 **SHIP ASSISTANCE PROGRAM.**—The term ‘qualified post-
17 foster care guardianship assistance program’ means a pro-
18 gram that meets the following requirements:

19 “(A) **ASSISTANCE PAYMENTS.**—The program
20 shall provide for assistance payments in lieu of fos-
21 ter care payments to a caregiver described in sub-
22 paragraph (C) on behalf of a child described in sub-
23 paragraph (B).

24 “(B) **ELIGIBLE CHILDREN.**—A child described
25 in this subparagraph is a child who—

26 “(i) is less than 18 years of age;

1 “(ii) is under the legal guardianship of a
2 caregiver described in subparagraph (C);

3 “(iii) was cared for under foster care by
4 such caregiver under a State or locally adminis-
5 tered foster care system for not less than 12
6 months before the caregiver obtained legal
7 guardianship of the child;

8 “(iv) will not be reunified with his or her
9 birth parents, pursuant to a determination by
10 the foster care system and a termination of de-
11 pendency by a court; and

12 “(v) is no longer under the supervision of
13 such foster care system.

14 “(C) ELIGIBLE CAREGIVERS.—A caregiver de-
15 scribed in this subparagraph is a caregiver who—

16 “(i) has not adopted the child;

17 “(ii) is a relative of the child; and

18 “(iii) has been identified by the foster care
19 system, pursuant to a formal assessment, as the
20 most appropriate permanent placement for the
21 child.”.

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